

## **ZBA Docket 1381**

Petitioner: Chelsea Davis of Gemstone Construction (for Mark and Betty Goran)

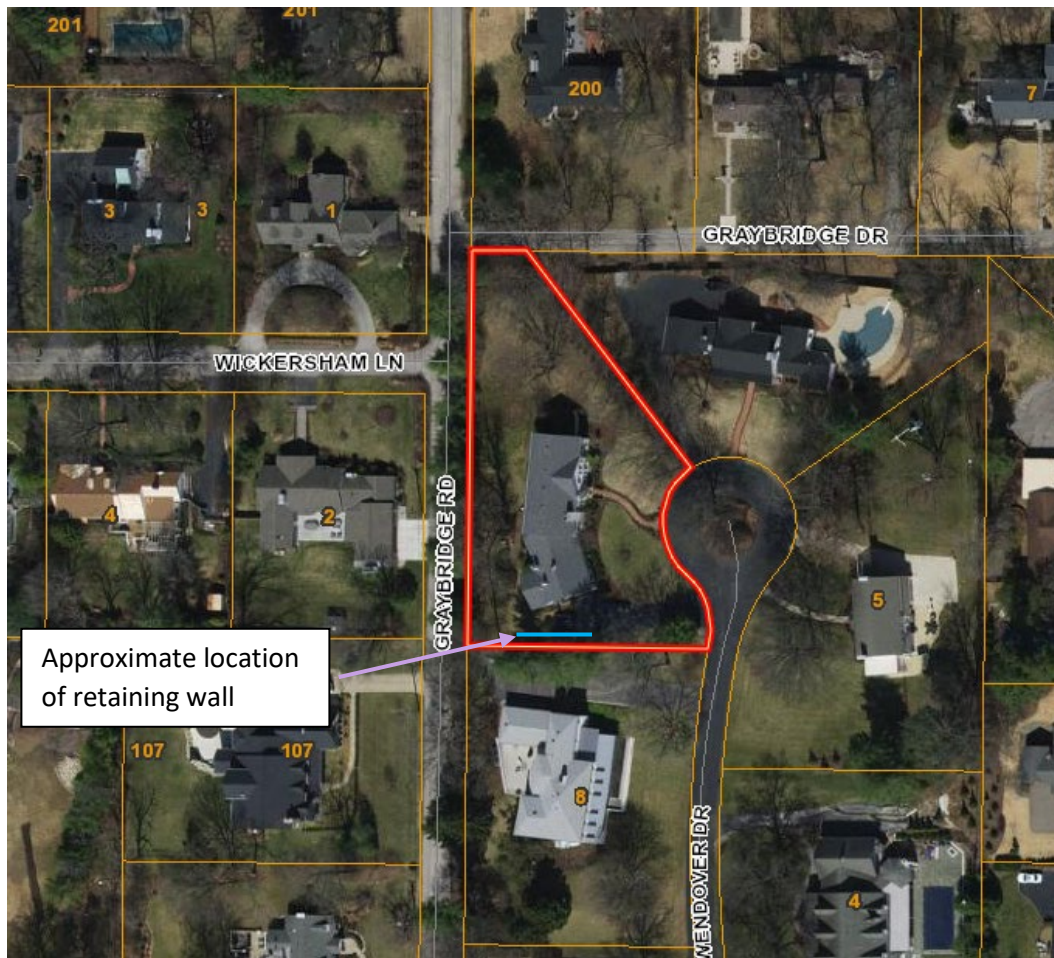
Date: March 7, 2023

Address: 7 Wendover

Re: Variance for retaining wall

### **Background and Property**

- 7 Wendover is in the C zoning district. The property is just over 30,000 square feet in size.



### **PROPOSAL**

- An applicant would like to build a retaining wall with a maximum height of 3 feet. Retaining wall would be within 5 feet of the south property line, near the side lot line.
- The purpose of the retaining wall would be to support an expanded driveway to provide access to a garage addition.

### Reason for denial

Section IV.F.(3) of the Zoning Ordinance states the following:

*Retaining walls in required side and rear yards may be erected to heights up to 36 inches provided they are setback at least one-half the distance required for the principal building...*

The required width of the side setback in the C zoning district is 10% of the lot width. This means that this property has a required side setback of about 17', and no retaining wall may be built within about 8.5 feet of the side lot line.

Because the proposed retaining wall is proposed to be less than 5 feet from the side lot line, the retaining wall has been denied.

### Additional comments

Section X.H.(9) describes the powers of the Zoning Board to grant variances, as follows:

- (9) Whenever a property owner shows that a strict application of the terms of this ordinance relating to the construction or alteration of buildings or structures or the use of land will impose upon him practical difficulties or unnecessary hardship, to permit such variations of the strict application of the terms of this ordinance as are in harmony with its general purpose and intent. But any such variation may be granted only when the Board is satisfied that it will not merely serve as a convenience to the applicant but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant such variation, and at the same time properly protect the surrounding property. In no case, however, shall the Board permit a use which is not a permitted use of land under this ordinance in the district in which the land involved is located, and in no case shall the Board permit a variation, waiver or modification of a requirement of this ordinance which does not substantially comply with its terms and accord with its spirit and purpose. A self-inflicted hardship shall not be deemed a practical difficulty or an unnecessary hardship. [Ord. 1379, Ord. 1595, Ord. 1774]



## **Application for Zoning Board of Adjustment**

**\* This application must be filled out completely and signed before submittals are placed on the ZBA agenda.**

### **PETITIONER INFORMATION**

Name of Petitioner: Chelsea Davis

Address of Petitioner: PO Box 172 St. Albans, MO 63073 Phone #: 314-974-1466

Email address of petitioner: GemstoneConstructionSTL@gmail.com

### **PROPERTY INFORMATION**

Address: 7 Wendover Dr. Ladue, MO

Zoning District: C

Parcel Identification Number: 18L510075

**Variance being requested:** Ladue's Zoning Ordinances 1175, Section IV.F.(3) of the Zoning Code regarding construction of a retaining wall within the restricted side yard setback.

By signing this application, you acknowledge that by submitting an incomplete petition, your item may not be added to the meeting agenda. A representative for the proposal must be in attendance to present the project to the Board.

X Chelsea Davis

Date: 2/6/23

*\* This application and review for City of Ladue building permitted purposes only. Please be aware of any additional covenants and indentures which may be recorded with your subdivision.*

February 6, 2023

Zoning Board of Adjustment Chairman  
c/o Building Department  
Ladue City Hall  
St. Louis, MO 63124

Dear Mr./Mrs. Chairman,

On behalf of Mr. & Mrs. Mark & Betty Goran, Gemstone Construction is appealing the ruling of the Building Official denying the construction of a retaining wall in the building setback as defined by City of Ladue's Zoning Ordinances 1175, Section IV.F.(3) of the Zoning Code. Ladue allows retaining walls to be up to 3' in height as long as they are at least half the setback distance away from the property line. This property is in the C zoning district and the required side setback is 10% of the lot width. Based on the lot width the required side setback for this lot would be about 17 feet so the retaining wall would need to be set back at least 8.5 feet from the property line.

Mr. & Mrs. Goran wish to build an addition comprising of an attached garage and study (drawings attached for reference). At this time, we are only seeking a variance for a retaining wall which would allow Mr. & Mrs. Goran adequate driveway to access their garage. The retaining wall would be no greater than 3' tall tapering with the lot to 0' and approximately 35' long within the setback. If the board finds this variance acceptable a second building permit application would be sought for construction of the balance of the project which is in compliance with City Ordinances.

Given the location of the existing home, building setbacks, and layout of the existing home there was only one feasible option for an addition. Other options considered during design were the front of the home (eliminated due to building lines), south side of the home (eliminated due to building lines), and north side of the home (eliminated due to functionality). Given the only feasible location of the proposed garage and study, the driveway/turnaround proposes a practical difficulty, specifically due to the existing site grades. With the retaining wall ordinance setback of 8.5' Mr. & Mrs. Goran will only have 17' which is insufficient to maneuver even the smallest vehicle. The project has conducted a variety of turning radius studies with multiple vehicles. If this parcel was flat or the adjoining parcel was a similar elevation the driveway would simply be extended to the property line allowing Mr. & Mrs. Goran sufficient turnaround space. The driveway cannot be extended to sufficient width without the construction of a retaining wall. If the committee finds the variance request acceptable Mr. & Mrs. Goran would have approximately 24' to maneuver their vehicles.

The project has sought and received Architectural Review Board approval, is in compliance with greenspace requirements, and will comply with required stormwater management policies. Prior to expending additional fees for further development of the permit drawings we are humbly seeking the committee's approval of the above referenced variance.

Sincerely,

Chelsea Davis  
Project Manager  
Gemstone Construction  
(314) 974-1466



